

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

FRANK ERVIN ALTIZER, JR,)	Civil Action No. 7:12-cv-00360
Petitioner,)	
)	
v.)	<u>ORDER</u>
)	
DIRECTOR, VIRGINIA)	
DEPARTMENT OF CORRECTIONS,)	By: Hon. Michael F. Urbanski
Respondent.)	United States District Judge

In accordance with the written Memorandum Opinion entered this day, it is hereby

ORDERED

that the petition for a writ of habeas corpus is **DISMISSED without prejudice**, pursuant to Rule 4 of the Rules Governing § 2254 Cases; a certificate of appealability is **DENIED**; and the case is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this Order and the accompanying Memorandum Opinion to petitioner.

Entered: October 1, 2012

/s/ Michael F. Urbanski

Michael F. Urbanski
United States District Judge